

**Department of Transportation**  
**Office of Legal Counsel**  
700 East Broadway Avenue  
Pierre, South Dakota 57501-2586 605/773-3262  
FAX: 605/773-4442

## MEMORANDUM

TO: Patricia Saukel  
FROM: Karla L. Engle  
DATE: July 20, 2017  
RE: July 27, 2017, Commission Meeting

The Department of Transportation asks the Transportation Commission to approve amendments to administrative rules found in:

- ARSD Chapter 70:12:02, Highway Bridge Improvement Plan Requirements;
- ARSD Chapter 70:13:01, Local Bridge Improvement Grant Requirements.

Copies of the following documents are enclosed with this memo:

1. The proposed rules;
2. The Rules Presentation Format Form adopted by the Interim Rules Review Committee, listing the procedural steps that have been taken so far in the rule adoption process.
3. The Small Business Impact Statement filed with the Bureau of Finance and Management ("BFM");
4. The BFM Form 50.10 and Fiscal Note, which was filed and approved by BFM;
5. The notice of hearing;
6. The written comments received as of July 19, 2017. If additional comments are received, they will be provided at the hearing.

Thank you.

KLE  
Enclosures

## CHAPTER 70:12:02

### HIGHWAY AND BRIDGE IMPROVEMENT PLAN REQUIREMENTS

#### Section

- 70:12:02:01 Eligibility for bridge improvement grant fund.
- 70:12:02:02 Inventory of roads.
- 70:12:02:03 Inventory of bridges.
- 70:12:02:04 Maps.
- 70:12:02:05 Statement of financial resources.
- 70:12:02:06 Five-year project list.
- 70:12:02:07 Current project status list.
- 70:12:02:08 Time of submission of plan.
- 70:12:02:09 Annual plan updates and plan amendments.
- 70:12:09:10 Revision of plan upon request of department.
- 70:12:02:11 Review and acceptance of plan.
- ~~70:12:02:12 Emergency declaration. Repealed.~~

**70:12:02:01. Eligibility for bridge improvement grant fund.** To be eligible to apply to the department to receive a grant from the bridge improvement grant fund established by SDCL 32-11-38, a county shall submit to the department a county highway and bridge improvement plan and annual updates to that plan in accordance with the provisions of this chapter. The county shall include with the plan and each annual update, a written certification of adoption of the plan subscribed by the chairperson of the board of county commissioners. The format for a county highway and bridge improvement plan and annual updates shall substantially conform to the department's guidelines. The county may submit the highway and bridge improvement plan

and annual updates to the department in an electronic format acceptable to the department or by hard copy.

**Source:** 42 SDR 52, effective October 13, 2015.

**General Authority:** SDCL 1-44-7.5, 32-11-39

**Law Implemented:** SDCL 1-44-7.5, 32-11-38, 32-11-39

**70:12:02:07. Current project status list.** The annual update of a county highway and bridge improvement plan shall include the five-year project list from the previous year's county highway and bridge improvement plan or update with a brief description of the status of each project, any revision of a project, and the cost estimate for each project.

**Source:** 42 SDR 52, effective October 13, 2015.

**General Authority:** SDCL 1-44-7.5.

**Law Implemented:** SDCL 1-44-7.5, 32-11-38.

**70:12:02:08. Time of submission of plan.** ~~A county highway and bridge improvement plan shall be submitted to the secretary before December 16, 2015, to have the plan approved before the bridge improvement grant applications are due. A~~ To be eligible to apply for and receive a grant award from the bridge improvement grant fund established by SDCL 32-11-38, a county shall submit a county highway and bridge improvement plan before or annual update to the secretary by October 15 of each subsequent the calendar year preceding the grant application deadline.

**Source:** 42 SDR 52, effective October 13, 2015.

**General Authority:** SDCL 1-44-7.5, 32-11-39.

**Law Implemented:** SDCL 1-44-7.5, 32-11-38, 32-11-39.

**70:12:02:09. Annual plan updates and plan amendments.** A county receiving a grant from the bridge improvement grant fund established by SDCL 32-11-38 shall update the highway and bridge improvement plan annually and submit the plan update to the secretary by October 15 of each year. In addition to plan updates, a county may make amendments to its highway bridge improvement plan at any time, including but not limited to adding, deleting or revising proposed highway or bridge projects.

**Source:** 42 SDR 52, effective October 13, 2015.

**General Authority:** SDCL 1-44-7.5.

**Law Implemented:** SDCL 1-44-7.5, 32-11-38.

~~**70:12:02:12. Emergency declaration.** If a disaster or emergency occurs and a bridge is damaged or destroyed and it is not listed as a project in the current approved plan, the county may declare an emergency. The county may then request in writing that the commission waive the requirement in § 70:12:02:06 that the bridge be shown as a project in the plan to be eligible for a bridge improvement grant. The commission may approve or deny the request. Repealed.~~

~~**Source:** 42 SDR 52, effective October 13, 2015.~~

~~**General Authority:** SDCL 1-44-7.5, 32-11-39.~~

~~**Law Implemented:** SDCL 1-44-7.5, 32-11-38, 32-11-39.~~

## CHAPTER 70:13:01

### LOCAL BRIDGE IMPROVEMENT GRANT REQUIREMENTS

**70:13:01:02. Eligibility and compliance.** Any LPA of this state may apply for a BIG pursuant to this chapter for the purposes described in SDCL 32-11-38. To be eligible to apply to

the department and to receive a grant from the BIG fund, a county shall have a wheel tax and a department ~~approved~~ accepted county highway and bridge improvement plan as specified in chapter 70:12:02.

The LPA shall file the application with the department as required by §§70:13:01:03 and 70:13:01:04 and shall comply with the procedures, requirements, conditions, restrictions, and limitations referred to in this chapter.

**Source:** 42 SDR 52, effective October 13, 2015; 43 SDR 57, effective October 17, 2016.

**General Authority:** SDCL 32-11-39.

**Law Implemented:** SDCL 32-11-38, 32-11-39.

**70:13:01:04. Application and approval periods.** ~~The commission shall consider applications by April 30 of each year. A~~ An LPA shall submit any applications for bridge preservation, rehabilitation, and replacement grants no later than January 2 of each year, except that after January 2, 2017, applications for preliminary engineering grants shall be submitted no later than August 1 of each year, and the commission shall consider those applications by April 30 of each year. An LPA shall submit any applications for preliminary engineering grants no later than August 1 of each year, and the commission shall consider those applications by October 30 of each year.

**Source:** 42 SDR 52, effective October 13, 2015; 43 SDR 57, effective October 17, 2016.

**General Authority:** SDCL 32-11-39.

**Law Implemented:** SDCL 32-11-38, 32-11-39.

**70:13:01:10. Project requirements.** For preservation, rehabilitation and replacement projects, the department shall review plans and provide letting authorization prior to bid letting. Preservation, rehabilitation, and replacement projects shall be under construction within three

years from the date of notice of BIG award. For preliminary engineering grants, all reimbursable expenses shall be incurred within two years from the date of notice of BIG award. The department may extend the deadline for any BIG, before or after the expiration of the deadline.

~~Any LPA's request for a deadline extension shall be made prior to the deadline.~~

**Source:** 42 SDR 52, effective October 13, 2015; 43 SDR 57, effective October 17, 2016.

**General Authority:** SDCL 32-11-39.

**Law Implemented:** SDCL 32-11-38, 32-11-39.

## Interim Rules Review Committee Recommended Rules Presentation Format

When you submit the final draft to the Legislative Research Council (LRC) and the Rules Review Committee, please answer these questions to show that the SDCL § 1-26 rule-making process is complete. Use this format to organize your presentation to the Committee.

- Approval to proceed? Yes  No  Date June 29, 2017
- The date of your public hearing. Date July 27, 2017
- The date you submitted the proposed rules and the supporting documents to LRC and the Bureau of Finance and Management: Date July 5, 2017 (Note - This must be completed at least 20 days before your public hearing.)
  - any publication incorporated by reference;
  - the fiscal note;
  - the impact statement on small business; and
  - the notice of hearing.
- The date and the name of the newspapers where you published the notice of the public hearing.
  - Date July 6, 2017 Newspaper Mitchell Daily Republic
  - Date July 6, 2017 Newspaper Rapid City Journal
  - Date July 6, 2017 Newspaper Aberdeen American News
  - Date July 6, 2017 Newspaper Sioux Falls Argus Leader
- Summarize how and when interested persons, if any, were contacted and how many were contacted.

**The hearing notice and draft rules were mailed to fourteen individuals and entities who have requested notification of rulemaking by the Transportation Commission. The hearing notice and draft rules were also sent by electronic mail to a member of the press who has requested electronic notification of rulemaking by the commission. In addition, on June 14, 2017, the department sent electronic copies of the proposed rules to the South Dakota Transportation Advisory Committee, which consists of representatives of city, county, township and tribal governments, municipal planning organizations, and transportation consultants. The department requested that the committee share the proposed rules with their constituents and provide any comments about the rules.**

- Provide the page numbers in the minutes where it mentions how the agency considered amendments, data, opinions, or arguments regarding the proposed rules, along with any changes and final action. N/A
- If the rules are implementing a bill from last session, identify the bill number. N/A
- The date you submitted the final rules and supporting documents to the LRC and the Rules Review Committee: Date N/A (Note - This must be received no later than 5 days before the Rules Review Committee meeting.)
  - the "Approval of Rules" - Form 11 (LRC only);

- the style and form copy (LRC only);
- the "Affidavit" of mailing - Form 12 (LRC only);
- the final copy of the rules (Both);
- the minutes of the hearing (Both);
- the record of written comments (Both);
- the impact statement on small business – Form 14 (Committee only);
- the fiscal note – Form 5 (Committee only);
- the budgetary information required to increase a fee (Committee only); and
- the rules process outline (Both).



## FORM 14

## SMALL BUSINESS IMPACT STATEMENT FORM

See SDCL 1-26-2.1

**(NOTE: This form must be signed by either the head of the agency or the presiding officer of the board or commission empowered to adopt the rules. Check your statutes to see who is authorized to promulgate rules. A small business is defined as any business with 25 or fewer full-time employees. When a set of rules is proposed, a general summary shall be provided; each proposed rule amendment shall also be explained thoroughly. In the case of a large set of proposed rules which all have a single purpose and impact, one explanation is sufficient. The law makes it clear that agencies or commissions shall use readily available information and existing resources to prepare the impact statement.)**

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small business:

- Direct impact *(please complete remainder of form)*  
 Indirect impact *(please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered)*  
 No impact *(please provide a brief explanation, sign, date, and submit form - Questions 2 through 8 do not need to be answered)*

**70:12:02:01** – The requirements for highway and bridge improvement plans are being changed to state that the format of annual plan updates must substantially conform to the department’s guidelines. This rule is also being changed to state that annual plan updates may be submitted electronically or by hard copy. These changes make clear that not only initial highway and bridge improvement plans, but also annual plan updates, must comply with the department’s guidelines. These changes also clarify that annual plan updates may be submitted in the same manner as initial highway and bridge improvement plans.

**70:12:02:07** – This rule is being revised to state that annual plan updates must contain up-to-date information about the five-year project list from the previous year’s plan or update. The purpose of this revision is to clarify the requirements for annual plan updates.

**70:12:02:08** – This rule change eliminates the deadline of December 16, 2015, which applied to county bridge improvement grant applications considered in 2016. The rule is also being revised to make clear that county grant applicants must submit highway and bridge improvement plans, or plan updates, by October 15 of the calendar year preceding the grant application deadline. These changes clarify submission deadlines that apply to county bridge improvement grant applicants. This clarification will facilitate administration of the bridge improvement grant program.

**70:12:02:09** – This rule is being amended to clarify that bridge improvement grant recipients must submit highway and bridge improvement plan updates by October 15 of each year. The revised rule also explicitly allows counties to make amendments to highway and bridge improvement plans at any time. These changes will facilitate administration of the bridge improvement grant program by clarifying the process for submitting plan updates and making plan amendments.

**70:12:02:12** – This rule, which establishes a process for making emergency changes to bridge improvement plans, is being repealed. The rule is being repealed because proposed changes to ARSD 70:12:02:09 would allow plan amendments to be made at any time, and for reasons that may or may not involve an emergency. Repeal of this rule will facilitate administration of the bridge improvement grant program by simplifying the process for amending bridge improvement plans.

**70:13:01:02** – This rule is being amended to replace the reference to an “approved” county highway and bridge improvement plan with an “accepted” county highway and bridge improvement plan. This grammatical change will result in the consistent use of the term “accepted” in the rules dealing with the bridge improvement grant program and the highway and bridge improvement plan requirements.

**70:13:01:04** – This rule addresses application and approval periods for the bridge improvement grant program. The proposed rule change sets an October 30 deadline for the Transportation Commission to consider preliminary engineering grant applications that have been submitted by August 1 of that year. This change is being made to facilitate administration of the bridge improvement grant program.

**70:13:01:10** – This rule sets deadlines for bridge improvement grant project activities. Under the existing rule, any request for a deadline extension must be submitted by a grant recipient prior to the deadline. The rule is being revised to eliminate this requirement. Because the department may extend project deadlines before or after expiration of the deadlines, the existing requirement for deadline extension requests is not necessary. The rule change will facilitate administration of the grant program by eliminating this unnecessary requirement.

2. A general narrative and overview of the effect of the rule(s) on small business – written in plain, easy to read language:

3. What is the basis for the enactment of the rule(s)?

Required to meet changes in federal law

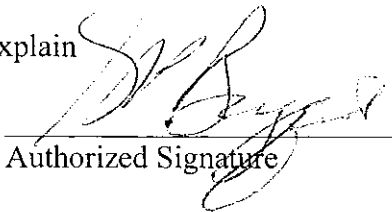
Required to meet changes in state law

Required solely due to changes in date (i.e. must be changed annually)

Other:

4. Why is the rule(s) needed?
5. What small business or types of small businesses would be subject to the rule?
6. Estimate the number of small business that would be subject to the rule.  
\_\_ 1-99    \_\_ 100-499    \_\_ 500-999    \_\_ 1,000-4,999    \_\_ More than 5,000  
\_\_ Unknown – please explain.
7. Are small businesses required to file or maintain any reports or records under this rule?  
\_\_ Yes    \_\_ No
- a) If “yes” how many reports must a small business submit to the state on an annual basis?
- b) If “yes” how much ongoing recordkeeping within the business is necessary?
- c) If “yes” what type of professional skills would be necessary to prepare the reports or records?  
\_\_ The average owner of a small business should be able to complete the reports and/or records with no assistance.  
\_\_ It is likely that a bookkeeper for a small business should be able to complete the reports and/or records.  
\_\_ It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records  
\_\_ It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records  
\_\_ Other  
\_\_ Unknown – please explain \_\_\_\_\_
8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less recordkeeping, lower penalties)?  
\_\_ No – please explain  
\_\_ Yes – please explain

6/30/17  
Dated

  
Authorized Signature

Department of Transportation  
Name of Agency

## FORM 5, BFM 50.10

(NOTE: A copy of this form may be obtained from the Bureau of Finance and Management. If your rules have a negative fiscal impact on a local government, such as a county or a school district, you must direct the Bureau of Finance and Management to send a copy of its fiscal note to the organizations listed in SDCL 1-26-4.2.)

**ADMINISTRATIVE PROCEDURES ACT  
FISCAL NOTE  
Prepared by Submitting Agency**

	CODE	NAME
<b>DEPARTMENT</b>	11	Transportation
<b>DIVISION</b>	111	Planning and Engineering
<b>PROGRAM</b>	11102	Administration

**PROPOSED RULES:**

- 70:12:02:01 – Eligibility for bridge improvement grant fund
- 70:12:02:07 – Current project status
- 70:12:02:08 – Time of submission of plan
- 70:12:02:09 – Annual plan updates and plan amendments
- 70:12:02:12 – Emergency declaration (proposed for repeal)
- 70:13:01:02 – Eligibility and compliance
- 70:13:01:04 – Application and approval periods
- 70:13:01:10 -- Project requirements

**70:12:02:01** – The requirements for highway and bridge improvement plans are being changed to state that the format of annual plan updates must substantially conform to the department's guidelines. This rule is also being changed to state that annual plan updates may be submitted electronically or by hard copy. These changes make clear that not only initial highway and bridge improvement plans, but also annual plan updates, must comply with the department's guidelines. These changes also clarify that annual plan updates may be submitted in the same manner as initial highway and bridge improvement plans.

**70:12:02:07** – This rule is being revised to state that annual plan updates must contain up-to-date information about the five-year project list from the previous year's plan or update. The purpose of this revision is to clarify the requirements for annual plan updates.

**70:12:02:08** – This rule change eliminates the deadline of December 16, 2015, which applied to county bridge improvement grant applications considered in 2016. The rule is also being revised to make clear that county grant applicants must submit highway and bridge improvement plans, or plan updates, by October 15 of the calendar year preceding the grant application deadline. These changes clarify submission deadlines that apply to county bridge improvement grant applicants. This clarification will facilitate administration of the bridge improvement grant program.

**70:12:02:09** – This rule is being amended to clarify that bridge improvement grant recipients must submit highway and bridge improvement plan updates by October 15 of each year. The revised rule also explicitly allows counties to make amendments to highway and bridge improvement plans at any time. These changes will facilitate administration of the bridge improvement grant program by clarifying the process for submitting plan updates and making plan amendments.

**70:12:02:12** – This rule, which establishes a process for making emergency changes to bridge improvement plans, is being repealed. The rule is being repealed because proposed changes to ARSD 70:12:02:09 would allow plan amendments to be made at any time, and for reasons that may or may not involve an emergency. Repeal of this rule will facilitate administration of the bridge improvement grant program by simplifying the process for amending bridge improvement plans.

**70:13:01:02** – This rule is being amended to replace the reference to an “approved” county highway and bridge improvement plan with an “accepted” county highway and bridge improvement plan. This grammatical change will result in the consistent use of the term “accepted” in the rules dealing with the bridge improvement grant program and the highway and bridge improvement plan requirements.

**70:13:01:04** – This rule addresses application and approval periods for the bridge improvement grant program. The proposed rule change sets an October 30 deadline for the Transportation Commission to consider preliminary engineering grant applications that have been submitted by August 1 of that year. This change is being made to facilitate administration of the bridge improvement grant program.

**70:13:01:10** – This rule sets deadlines for bridge improvement grant project activities. Under the existing rule, any request for a deadline extension must be submitted by a grant recipient prior to the deadline. The rule is being revised to eliminate this requirement. Because the department may extend project deadlines before or after expiration of the deadlines, the existing requirement for deadline extension requests is not necessary. The rule change will facilitate administration of the grant program by eliminating this unnecessary requirement.

Hearing Date: July 27, 2017

**FISCAL IMPACT STATEMENT:** *These rule revisions consist of changes in the highway and bridge improvement plan requirements and in the administration of the local bridge improvement grant program. These changes will have no fiscal impact on state agencies, political subdivisions or small businesses.*

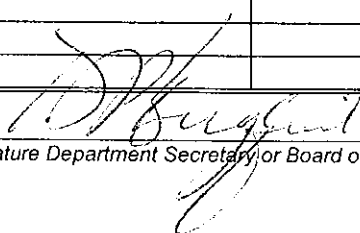
**FISCAL NOTE SUMMARY:** *The Department of Transportation and local public agencies with authority over highways and bridges will be the entities of government affected by these proposed rule changes. There will be no fiscal impact on these governmental entities. The proposed rule changes will have no fiscal impact on small businesses.*

**COST INCREASES (DECREASES)**

State Agencies:	First-Year Impact	Continuous-Yearly Impact
Department of Transportation	\$0.00	\$0.00
TOTAL	\$0.00	\$0.00
Local Subdivisions:		
Cities and counties	\$0.00	\$0.00
TOTAL	\$0.00	\$0.00
Small Business Increases (Decreases)		
	\$0.00	\$0.00
TOTAL	\$0.00	\$0.00

**REVENUE INCREASES (DECREASES)**

Revenue Increases (Decreases) State, Local & Small Business :		
TOTAL	\$0	\$0

APPROVED  DATE 6/30/17  
 Signature Department Secretary or Board or Commission Chairman

**ATTACH:** *Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source, 3) assumptions that were made to arrive at fiscal impact, 4) computations that were made, and 5) small business impact statement*

*Revised June 2004*

## FISCAL NOTES

Section I. Explanation of rule: This note pertains to the fiscal impact of adding, amending or repealing the following rules:

- 70:12:02:01 – Eligibility for bridge improvement grant fund
- 70:12:02:07 – Current project status
- 70:12:02:08 – Time of submission of plan
- 70:12:02:09 – Annual plan updates and plan amendments
- 70:12:02:12 – Emergency declaration
- 70:13:01:02 – Eligibility and compliance
- 70:13:01:04 – Application and approval periods
- 70:13:01:10 -- Project requirements

Fiscal Impact: None. The proposed amendments to the above rules relate to changes in the highway and bridge improvement plan requirements and in the administration of the local bridge improvement grant program. These changes have no fiscal impact on state agencies, political subdivisions or small businesses.

**TOTAL = \$0.00**

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION  
SOUTH DAKOTA TRANSPORTATION COMMISSION  
NOTICE OF PUBLIC HEARING

Pursuant to the authority vested in the South Dakota Transportation Commission by SDCL 1-26, the commission will hold a public hearing in the Commission Room of the Becker Hansen Building at 700 East Broadway Avenue in Pierre, South Dakota, on Thursday, **July 27, 2017**, at 9:30 am (Central Time) to consider the proposed changes to the following rules:

**70:12:02:01** – The requirements for highway and bridge improvement plans are being changed to state that the format of annual plan updates must substantially conform to the department’s guidelines. This rule is also being changed to state that annual plan updates may be submitted electronically or by hard copy. These changes make clear that not only initial highway and bridge improvement plans, but also annual plan updates, must comply with the department’s guidelines. These changes also clarify that annual plan updates may be submitted in the same manner as initial highway and bridge improvement plans.

**70:12:02:07** – This rule is being revised to state that annual plan updates must contain up-to-date information about the five-year project list from the previous year’s plan or update. The purpose of this revision is to clarify the requirements for annual plan updates.

**70:12:02:08** – This rule change eliminates the deadline of December 16, 2015, which applied to county bridge improvement grant applications considered in 2016. The rule is also being revised to make clear that county grant applicants must submit highway and bridge improvement plans, or plan updates, by October 15 of the calendar year preceding the grant application deadline. These changes clarify submission deadlines that apply to county bridge improvement grant applicants. This clarification will facilitate administration of the bridge improvement grant program.

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**70:12:02:12** – This rule, which establishes a process for making emergency changes to bridge improvement plans, is being repealed. The rule is being repealed because proposed changes to ARSD 70:12:02:09 would allow plan amendments to be made at any time, and for reasons that may or may not involve an emergency. Repeal of this rule will facilitate administration of the bridge improvement grant program by simplifying the process for amending bridge improvement plans.

**70:13:01:02** – This rule is being amended to replace the reference to an “approved” county highway and bridge improvement plan with an “accepted” county highway and bridge improvement plan. This grammatical change will result in the consistent use of the term “accepted” in the rules dealing with the bridge improvement grant program and the highway and bridge improvement plan requirements.



**70:13:01:04** – This rule addresses application and approval periods for the bridge improvement grant program. The proposed rule change sets an October 30 deadline for the Transportation Commission to consider preliminary engineering grant applications that have been submitted by August 1 of that year. This change is being made to facilitate administration of the bridge improvement grant program.

**70:13:01:10** – This rule sets deadlines for bridge improvement grant project activities. Under the existing rule, any request for a deadline extension must be submitted by a grant recipient prior to the deadline. The rule is being revised to eliminate this requirement. Because the department may extend project deadlines before or after expiration of the deadlines, the existing requirement for deadline extension requests is not necessary. The rule change will facilitate administration of the grant program by eliminating this unnecessary requirement.

At the hearing, interested persons will be given reasonable opportunity to submit amendments, data, opinions, and arguments, either orally or in writing, or both. Interested persons may mail amendments, data, opinions, and arguments to the South Dakota Department of Transportation, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586 or transmit the information by e-mail to [Darin.Bergquist@state.sd.us](mailto:Darin.Bergquist@state.sd.us). Information submitted by mail or e-mail must reach the Department of Transportation on or before **July 21, 2017**, to be considered.

After the hearing, the commission will consider all written and oral comments it receives on the proposed rules. The commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the hearing should submit a request to the department's ADA Coordinator at 605-773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

A copy of the proposed rules may be obtained without charge from:

Secretary of Transportation  
Becker-Hansen Building  
700 East Broadway Avenue  
Pierre, South Dakota 57501-2586

The proposed rules are also posted on the following website: <http://open.sd.gov>

Published at the approximate cost of \$\_\_\_\_\_.

**Engle, Karla**

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**From:** Hanisch, Chad  
**Sent:** Tuesday, July 11, 2017 7:47 AM  
**To:** Clocksin, Noel  
**Subject:** RE: [EXT] Review of Bridge Improvement Grant Administrative Rules  
**Attachments:** Admin Rules 6-7-17\_shh.docx

Noel,

I received only one suggestion for changes from the consultant group – see attached.

I also have a suggestion or topic for discussion but not sure it applies to the Admin Rules or Procedures Manual:

Should there be a requirement for evaluating rehabilitation options which include a life cycle cost analysis? The Sioux Falls 8<sup>th</sup> Street Bridge is a case-in-point. This bridge was designated for replacement due to its age and previous bridge inspection reports. Due to the cost of replacing, we completed a rehabilitation analysis which included a life cycle cost analysis. I should point out this bridge was a unique case as there were no design plans for the bridge and therefore no load evaluation completed to date. We completed a delamination analysis, cores with strength and petrographic analysis, and historical research on the bridge which allowed for a structural load evaluation. This bridge was a patented design identified as the Luten Arch. Luten was a structural engineer out of Indiana who actually taught at Purdue University. His designs were empirically based on elastic theory and did not adhere to any formal design standards. A significant number of these bridges were constructed in Indiana. We researched structural engineers in Indiana and brought one on who had extensive experience with the Luten Archs. We included him as a sub in a peer review capacity. He has confirmed our approach and analysis and ultimately agrees this bridge is candidate for rehab and not replacement. There are a lot of educated variables which need to be considered in the life-cycle analysis. The life-cycle analysis we completed and depending on the variables ranges some but on average is safe to say it will be close to a wash when comparing rehab to replacement. Even if the replacement showed slightly favorable over a 75 year life-cycle period – rehab may still be the option chosen due to current funding limits. For example: replacement of this structure was estimated at approximately \$10.0 versus a rehab estimate of approximately \$3.0. Over the course of a 75 year life cycle analysis – the comparison was close. You could tweak some variables which resulted in either option winning out. Let's say the replacement option showed you spent \$2.0 fewer dollars over the course of the 75 year life-cycle analysis. What's more doable for an owner.....\$7.0 more up front or an average of \$27,000 more in rehab spread over 75 years? Point being – I think this evaluation is very valuable to an owner for consideration.

The evaluation we are completing on the 8<sup>th</sup> Street Bridge has been eye opening on the value of including a life-cycle cost analysis. Yes – the analysis cost money but the City has felt it was well worth it. Even if it would have said replacement is the only option, it gave them piece of mind and support for the spending decision they plan to commit to.

Very cool project to be part of!!

**Chad Hanisch, PE**



**Sioux Falls & Watertown**

Office: 605.271.5527

Fax: 605.271.2753

Cell: 605.359.5313

[www.InfrastructureDG.com](http://www.InfrastructureDG.com)



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**From:** Clocksin, Noel [mailto:Noel.Clocksin@state.sd.us]

**Sent:** Wednesday, June 14, 2017 10:43 AM

**To:** Behm, Michael <Michael.Behm@state.sd.us>; Brown - Dirk Rogers <Dirk.Rogers@browncounty.sd.gov>; Chad Hanisch <ChadH@infrastructuredg.com>; Duane Sutton (Duane.Sutton@browncounty.sd.gov) <Duane.Sutton@browncounty.sd.gov>; Greg Powell (chamberlaingp@midstatesd.net) <chamberlaingp@midstatesd.net>; Lawrence - Allan Bonnema <abonnema@lawrence.sd.us>; Lynda Douville (ldouville@gwtc.net) <ldouville@gwtc.net>; Patsy Horton (Patsy.Horton@rcgov.org) <Patsy.Horton@rcgov.org>; john.childs@ci.pierre.sd.us; Planning District - Central SD Enhancement District <mknutson@csded.org>; Richard L. Howard (Richardlhoward@pie.midco.net) <Richardlhoward@pie.midco.net>; SDATAT - Maureen Wegenke <sdatat@sdtownships.com>; Vavra, Gregory <gregory.vavra@sdstate.edu>

**Cc:** Kinniburgh, Doug (DOT) <Doug.Kinniburgh@state.sd.us>; Schultz, Laurie (DOT) <Laurie.Schultz@state.sd.us>

**Subject:** Review of Bridge Improvement Grant Administrative Rules

One more BIG item for review -

We need to make a few more revisions to the Administrative Rules under which the BIG program operates. A copy of the proposed version is attached. Please e-mail any comments to me by July 14.

Thank you again,

*Noel Clocksin*

TAC Secretary

SDDOT/LGA

(605)773-4256

**Engle, Karla**

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**From:** Maureen Wegenke <[sdatat@sdtownships.com](mailto:sdatat@sdtownships.com)>  
**Sent:** Wednesday, June 21, 2017 7:52 AM  
**To:** Clocksin, Noel  
**Subject:** RE: [EXT] Review of Bridge Improvement Grant Administrative Rules

Hi Noel,  
I don't see that this will affect townships so we are fine with it.

*Maureen Wegenke*  
**SDATAT Exec. Director**  
**605-353-1439**  
[sdatat@sdtownships.com](mailto:sdatat@sdtownships.com)

*If you don't learn from your mistakes  
Then they become your regrets – John Cena*

**From:** Clocksin, Noel [<mailto:Noel.Clocksin@state.sd.us>]  
**Sent:** Wednesday, June 14, 2017 10:43 AM  
**To:** Behm, Michael <[Michael.Behm@state.sd.us](mailto:Michael.Behm@state.sd.us)>; Brown - Dirk Rogers <[Dirk.Rogers@browncounty.sd.gov](mailto:Dirk.Rogers@browncounty.sd.gov)>; Hanisch, Chad <[ChadH@InfrastructureDG.com](mailto:ChadH@InfrastructureDG.com)>; Duane Sutton ([Duane.Sutton@browncounty.sd.gov](mailto:Duane.Sutton@browncounty.sd.gov)) <[Duane.Sutton@browncounty.sd.gov](mailto:Duane.Sutton@browncounty.sd.gov)>; Greg Powell ([chamberlaingp@midstatesd.net](mailto:chamberlaingp@midstatesd.net)) <[chamberlaingp@midstatesd.net](mailto:chamberlaingp@midstatesd.net)>; Lawrence - Allan Bonnema <[abonnema@lawrence.sd.us](mailto:abonnema@lawrence.sd.us)>; Lynda Douville ([ldouville@gwtc.net](mailto:ldouville@gwtc.net)) <[ldouville@gwtc.net](mailto:ldouville@gwtc.net)>; Patsy Horton ([Patsy.Horton@rcgov.org](mailto:Patsy.Horton@rcgov.org)) <[Patsy.Horton@rcgov.org](mailto:Patsy.Horton@rcgov.org)>; john.childs@ci.pierre.sd.us; Planning District - Central SD Enhancement District <[mknutson@csded.org](mailto:mknutson@csded.org)>; Richard L. Howard ([Richardlhoward@pie.midco.net](mailto:Richardlhoward@pie.midco.net)) <[Richardlhoward@pie.midco.net](mailto:Richardlhoward@pie.midco.net)>; Maureen Wegenke <[sdatat@sdtownships.com](mailto:sdatat@sdtownships.com)>; Vavra, Gregory <[gregory.vavra@sdstate.edu](mailto:gregory.vavra@sdstate.edu)>  
**Cc:** Kinniburgh, Doug (DOT) <[Doug.Kinniburgh@state.sd.us](mailto:Doug.Kinniburgh@state.sd.us)>; Schultz, Laurie (DOT) <[Laurie.Schultz@state.sd.us](mailto:Laurie.Schultz@state.sd.us)>  
**Subject:** Review of Bridge Improvement Grant Administrative Rules

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Thank you again,

*Noël Clocksin*

TAC Secretary  
SDDOT/LGA  
(605)773-4256